

The Honorable Lauren King
Magistrate Theresa L. Fricke

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SABRINA MARIE KENDALL,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et. al.,

Defendants.

NO. 3:21-cv-05502-LK-TLF

STATE DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
EXTENSION TO ANSWER
INTERROGATORIES

COME NOW the Washington State Department of Corrections, Stephen Sinclair, Deborah "Jo" Wofford, Lisa Anderson-Longano, MD, and Paul Clark (collectively "State Defendants"), through counsel, responding to Plaintiff's letter dated 8 May 2022 and filed 9 May 2022 in this matter as follows:

On 21 January 2022, this Court issued its Pretrial Scheduling Order, setting a discovery cutoff of 20 May 2022. Dkt. 20 at 1.¹ On 14 April 2022, State Defendants served upon Plaintiff written discovery pursuant to FRCP 26, 33, and 34, including interrogatories. Declaration of Mark Rachel in Support of State Defendants' Response to Plaintiff's Motion for Extension to Answer Interrogatories (Rachel Decl.) at ¶ 2.

¹ The Court may take judicial notice of its own records in this matter. *Kelly v. Johnston*, 111 F.2d 613, 614-615 (9th Cir. 1940).

On 9 May 2022, Plaintiff filed a letter with the Court requesting “more time from the Court[] to answer Interrogatories due to [i]naccess to law library ... I am asking for an extension of 90 days[.]” It is the undersigned’s impression that Plaintiff was referring to State Defendants’ written discovery referenced above (and not, for example, interrogatories served by other Defendants in this case). Rachel Decl. at ¶¶ 3–4.

If Plaintiff is afforded an additional 90 days to respond to State Defendants’ written discovery, her responses would be due on 12 August 2022, which is nearly three months after the current discovery cutoff and almost a month past the current dispositive motion deadline. *See* Dkt. 20; Rachel Decl. at ¶ 2. Were the Court to grant Plaintiff’s motion without similarly continuing all intermediate pretrial deadlines, State Defendants could be forced to repel a summary judgment motion bereft of any responses by Plaintiff to their written discovery. *Cf.* FRCP 56(d)(2).

Instead, State Defendants respectfully request that in fairness to all parties, if the Court chooses to grant Plaintiff’s instant motion, it should likewise continue all intermediate pretrial deadlines by 90 days. State Defendants would not oppose Plaintiff’s request for extension in such circumstances. State Defendants oppose Plaintiff’s instant motion only insofar as it requests unilateral relief that would place them at a significant disadvantage under the current case schedule.

DATED this 17th day of May, 2022.

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s/ Mark Rachel
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DECLARATION OF SERVICE

I declare that on this 17th day of May, 2022, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 17th day of May, 2022.

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